REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

I. Claim Amendments

Claims 1-22 were pending in this application when examined.

Claim 1 has been amended in order to cover at least the compounds of Examples 41-95 and 157-176 of the specification. Support for the amendments can be found on page 26, lines 9-14; page 27, lines 2-3; page 29, lines 7-8, 13-14 and 18-19; page 32, lines 9-14, 17-18 and 21; page 42, line 10; and page 45, lines 15-23; and Examples 44, 50, 56, 61-83, 85, 87, 92, 94, 95, 158, 161, 168, 169, 172 and 174-176 of the originally filed specification.

Claims 2-14 have been cancelled in view of the amendments to claim 1.

Claim 15 has been amended to delete all but a single compound.

Claim 16 has been amended to depend from claim 1, and to limit the disease to be treated or prevented to affective disorder, depression or anxiety from claim 17, and claim 17 has been cancelled.

Claim 18 has been amended to recite a pharmaceutical composition, and to replace "prodrug" with "salt". Support for these amendments can be found on page 136, lines 23-24 of the specification.

Claims 19-20 have been amended to correspond with the amendments to claim 18.

Claim 21 has been cancelled without prejudice or disclaimer.

New claims 22-27 have been added to further define the compound of claim 1. Support for claim 22 can be found on page 32, lines 9-14, 17-18 and 21; Examples 44, 49, 50, 53, 56, 57, 61-83, 85, 87, 92 and 172 of the specification.

II. Claim Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 1 and 8-14 under 35 U.S.C. § 102(b) as being anticipated by Secrist et al. As applied to the amended claims, Applicants respectfully traverse the rejection.

Claim 1 has been amended to recite that R^{1a} is (1) an amino which is mono- or di-substituted with groups (i) to (iv), or (2) a cyclic amino. Accordingly, R^{1a} is a substituted amino

or a cyclic amino.

On the other hand, the compounds disclosed Secrist et al. have an NH_2 group at position R^{1a}. Thus, the compounds have a "non-substituted" amino group in position R^{1a}, and do not have a cyclic amino group in this position (see the compounds depicted on page 4 of the Office Action).

Therefore, claim 1 is not anticipated by the reference.

Claims 8-14 have been cancelled, rendering their rejection moot.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Claim Rejections Under 35 U.S.C. § 112, 1st Paragraph

The Examiner rejects claims 2, 16, 18 and 21 under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for compounds of formula (I) and the salts thereof, does not reasonably provide enablement for the prodrug of the compounds of formula (I). Claims 16 and 18 have been amended to delete "prodrug", and claims 2 and 21 have been cancelled, rendering the rejection moot.

The Examiner also rejects claims 16 and 17 under 35 U.S.C. §112, first paragraph, because the specification while being enabling for the treatment of depression and anxiety, does not reasonably provide enablement for the treatment or prevention of a disease wherein a CRF receptor is implicated.

Claim 16 has been amended to depend from claim 1, and to limit the disease to be treated or prevented to be selected from the group consisting of affective disorder, depression and anxiety, and claim 17 has been cancelled. Accordingly, claim 16 has been amended to limit the genus of compounds used in the method, and has been amended to limit the specific disease to be treated or prevented. The Examiner acknowledges that the specification is enabling for the treatment of depression and anxiety. Moreover, it would not require undue experimentation for one of ordinary skill in the art to practice the claimed method of treating or preventing affective disorder.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

IV. Claim Rejections Under 35 U.S.C. § 112, 2nd Paragraph

The Examiner rejects claims 1, 2, 5, 6 and 8-21 under 35 U.S.C. § 112, second paragraph, as being indefinite.

In item a, the Examiner rejects the terms "optionally substituted" and "substituted" in claim 1. Claim 1 has been amended to recite specific substituents based upon the substituents identified in the originally filed specification.

In item b, the Examiner rejects the term "prodrug". This term has been deleted from the claims.

In item c, the Examiner rejects the terms "a disease wherein a CRF receptor is implicated". Claim 16 has been amended to recite "wherein the disease being treated or prevented is selected from the group consisting of affective disorder, depression and anxiety". One of ordinary skill in the art would understand the specific disease wherein a CRF receptor is implicated is affective disorder, depression or anxiety.

In item d, the Examiner indicates that the term "medicine" is not clear, and suggests amending claim 18 to recite a pharmaceutical composition. Claim 18 has been amended to recite a pharmaceutical composition.

In item e, the Examiner rejects claim 21 because it is a "use" claim. Claim 21 has been cancelled, rendering its rejection moot.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

V. Claim Rejection Under 35 U.S.C. § 101

The Examiner rejects claim 21 under 35 U.S.C. § 101, because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. Claim 21 has been cancelled, rendering its rejection moot.

VI. Conclusion

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied reference.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the rejections set forth by the Examiner have been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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